

FILED BY CLERK

MAR 24 2010

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	
)	
Appellee,)	2 CA-CR 2009-0223
)	DEPARTMENT B
v.)	
)	<u>MEMORANDUM DECISION</u>
)	Not for Publication
DOMINIC WILLIAM DOMINGUEZ,)	Rule 111, Rules of
)	the Supreme Court
Appellant.)	
_____)	

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20083711

Honorable Deborah Bernini, Judge

AFFIRMED

Isabel G. Garcia, Pima County Legal Defender
By Alex Heveri

Tucson
Attorneys for Appellant

E C K E R S T R O M, Presiding Judge.

¶1 Appellant Dominic Dominguez was charged with three counts of sexual assault and one count of kidnapping, all class two felonies. A jury found him guilty of one of the sexual assault counts, and of unlawful imprisonment, domestic violence, a

lesser included offense of the kidnapping charge and a class six felony, but not guilty of the other two sexual assault charges. *See* A.R.S. §§ 13-1303(A) and (C), 13-1406(A), 13-3601(A).¹ After finding Dominguez had one prior felony conviction, and based on his admission that he had been on probation when he committed the underlying offenses, the trial court sentenced him to concurrent, presumptive prison terms, the longer of which is 10.5 years, with credit for 291 days served, to be served concurrently with the sentence in another matter. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), stating she has thoroughly reviewed the record and has found no meritorious issues to raise on appeal. She asks us to search the record for error. Dominguez has not filed a supplemental brief.

¶2 Viewing the evidence in the light most favorable to sustaining the verdicts, there was sufficient evidence to support the jury's findings of guilt. *See State v. Tamplin*, 195 Ariz. 246, ¶ 2, 98 P.2d 914, 914 (App. 1999). Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none. Therefore, we affirm Dominguez's convictions and sentences.

/s/ Peter J. Eckerstrom

PETER J. ECKERSTROM, Presiding Judge

¹The version of § 13-1406 in effect at the time Dominguez committed the offenses on September 11, 2008, was the same in relevant part. *See* 1999 Ariz. Sess. Laws, ch. 92, § 1. Similarly, the version of § 13-3601 at the time of the offenses was the same in relevant part. *See* 2004 Ariz. Sess. Laws, ch. 52, § 2.

CONCURRING:

/s/ J. William Brammer, Jr.

J. WILLIAM BRAMMER, JR., Judge

/s/ Garye L. Vásquez

GARYE L. VÁSQUEZ, Judge